

CENTRAL INFORMATION COMMISSION

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Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)

Central Information Commissioner

CIC/HUDCO/A/2017/195197

Vishwas Bhamburkar v. PIO, Housing & Urban Development Corporation Ltd.

RTI	:	01.08.2016
FAO	:	28.09.2016
Second Appeal	:	22.12.2016
Hearing	:	16.05.2017
Appellant	:	Shri Mukul Jain (representative)
Public authority	:	Absent
Decided on	:	05.07.2017, Show-cause notice

INTERIM ORDER

FACTS:

1. The appellant sought information as follows:
 - a) total amount spent from the coffers of HUDCO by Mr. Ravi Kant, Chairman & MD on gifts for the financial years 2013-14 to 2015-16;
 - b) the names of the beneficiaries of the gifts; total amount spent on the coffers of HUDCO for the renovation of the official residence of its Chairman & MD at ASIAD village, New Delhi;
 - c) total number of air-conditioners installed at the amount spent from the coffers of HUDCO;
 - d) total amount spent on electricity bills of the official residence of its Chairman & MD by the coffers of HUDCO;
 - e) amount of salary/remuneration paid to Mr. Rajkumar and Mr. Harish, who are employed/attached in any capacity in the office of Chairman & MD;
 - f) number of complaints pending against Mr. Ravi Kant, CMD of HUDCO;

- g) number of branded premium pens such as Mont Blanc gifted by Mr. Ravi Kant, CMD of HUDCO to various persons and whether any of the recipients of such gifts were senior officer/public servants and the price of each pen etc through 24 points.
2. The appellant represented that: the CPIO Dr D K Gupta asked him to forward his identity proof only to ascertain whether information available will be useful to him either personally or socially or nationally; FAA further asked the appellant to rephrase the word limit or subject limit; dissatisfied, and approached this Commission.
 3. The representative of appellant Shri Mukul Jain alleged that around five crore rupees worth malpractice is going on in HUDCO in the form of giving and receiving of gifts involving senior people in the Ministry, and it was not known who asked those gifts and who received. He said that gifts like iPhone, Mont Blanc Pens, and iPads were given to the senior authorities of their Ministry by Mr Ravi Kant IAS, Managing Director of HUDCO. He also said that the CPIO had no authority to demand the identity proof and to ascertain whether information available will be useful to him either personally or socially or nationally. Does he not know that they are spending public money on gifts, residence of the MD and his office, and it should be disclosing such information to the public in general as per RTI Act?
 4. The appellant stated that the reply was given by one Mr. D.K. Gupta, who proclaims himself as Chief Information Officer and as per the RTI Act, only the Central Public Information Officer is authorized to respond RTI applications. He further alleged by the appellant that as per the information available from the website of HUDCO, Mr. D.K. Gupta's designation is General Manager (Admn/OL). The appellant alleged that it was a serious scandal in HUDCO.
 5. In a case No. CIC/HUDCO/C/2017/164658 on a similar matter filed by the same appellant, the Commission directed the CPIO to facilitate inspection of all the exhibits and files related to: (i) names and beneficiaries for whom amounts were spent from the coffers of HUDCO for gifts for years 2013 to 2016; (ii) renovation of official residence of its Chairman and Managing Director in ASIAD village (iii) Mr. Rajkumar

and Mr. Harish employed in capacity of Chairman and Managing Director respectively and remunerations paid to each of them; (iv) appointment of Ms. Shweta Kulshreshtha as Management Trainee in Uttarakhand; (v) Vigilance clearance given to Mr. Ravi Kant. The respondent authority is directed to facilitate inspection on 20.04.2017 at 1130 hours. The Commission also directed the CPIO Dr D K Gupta to show-cause why maximum penalty should not be imposed upon him for not furnishing the information sought within prescribed time limits, before 20.05.2017.

6. In earlier case a date of inspection was fixed as agreed by both the parties on 20.4.2017. The appellant Vishwas Bhaburkar, has submitted a non-compliance report saying records were not shown to him and the directions of CIC were not complied with. The appellant in his written submission stated that a letter was given by CPIO, HUDCO on 28.4.2017, saying "in this regard it is mentioned that concerned persons who are custodians of the information were not available and hence we have provided relevant information available and as provided by the concerned departments to you without any cost or fee as per the RTI rules". Appellant claimed this as confirmation that inspection and information was not complete, and CIC orders were not complied. He also pointed out that the compliance report filed on 24.5.2017 by CPIO HUDCO clearly misleads the CIC as that stated on page 2 that "Shri Vishwas Bhamburkar visited HUDCO head office in the forenoon of 20th April 2017 and he was shown all the relevant records and also given the information as required by him to his full satisfaction. He said that he was not shown the files, that he did not receive any information and hence he did not give the CPIO any certificate of inspection.
7. On the date of hearing i.e., 16.5.2017, nobody represented public authority before CIC. The office of the Commission did not receive any response from Dr. D.K. Gupta to the show cause notice dated 19.4.2017 (part of the order dated 19.4.2017). On 11.5.2017, in a letter addressed to Registrar of CIC, the CPIO in charge (Name of the officer not given) stated that Mr. Gupta was out of country and requested for adjournment of the case beyond 10th June 2017. The

Commission postponed the finalization of the orders in this case with a hope that Dr. Gupta would respond after he arrives on 10th June 2017. Till today, Mr Gupta did not respond.

8. It is not explained why in charge CPIO did not attend the hearing of second appeal on 19.5.2017. The in charge CPIO also did not bother to comply with the order of the CIC dated 19.4.2017.
9. It appears that the public authority is trying to cover up whole issue by avoiding the response to the RTI applications and appeals of this appellant. The public authority has a duty to inform details about gifts purchased; if given to any officer, to whom and why; what is the legal basis or justification for giving gifts, did they maintain any register of gifts purchased and delivered, if not the receipt of gifts, and about expenditure on the house and office of MD etc. The officers of public authority knew the CIC hearing date, and the managing director also aware of the same, as he came to the CIC to enquire about the dates.
10. The anti-RTI attitude of HUDCO officers in this case gives rise to suspicion that there was a serious scandal of purchasing gifts worth crores, and spending huge amount of public money on residence and office of the Managing Director, and hence the public authority, the office of MD and RTI section are trying to avoid responses by putting forward lame excuses just to consume time.
11. The Commission considers that CPIO Mr DK Gupta, incharge CPIO and Mr. Ravi Kant, IAS, the deemed CPIO, who know fully well about the RTI application, its handling, seriousness, the order of the CIC, have violated the provisions of RTI Act. They have breached their duty to answer how many Mont Blanc Pens, iPhones and Ipads were purchased to whom they were given, quantum of money spent on MD's residence and office. Hence Commission directs a) the Managing Director Ravi Kant, b) the CPIO Dr DK Gupta and c) in-charge CPIO to provide point wise information along with certified copies of relevant files as asked by the appellant by 15th July, comply with the orders of the CIC dated 19.4.2017 and file the compliance report to the Deputy Registrar of CIC (SA) before 20th July 2017, failing which the Commission will be compelled to initiate fresh penalty proceedings against each of them.

12. The Commission directs the CPIO Mr. DK Gupta to explain why Commission should not recommend disciplinary action against him for acting in defiance of RTI Act, 2005 and gives him, as a last chance, time up to 20th July 2017 to file his explanation to show cause notice, and also explain under what provisions of RTI Act he asked the appellant to forward his identity proof, and ascertain whether information will be useful to him either personally or socially or nationally.
13. The Commission directs the in charge CPIO to show-cause why maximum penalty should not be imposed against him for non-compliance of the order of CIC, not giving his name, and for not performing his duties as in-charge CPIO under RTI Act, especially in this case.
14. As the appellant alleged that costly gifts were purchased by HUDCO and distributed among the seniors in the Ministry the Commission directs the Deputy Registrar of CIC to mark a copy of this order to Dr. Nandita Chatterjee, Secretary to Government of India, Ministry of Housing and Urban Poverty Alleviation, and Shri Rao Inderjit Singh Hon'ble Minister for Housing and Urban Poverty Alleviation, for necessary action soon.

Sd/-

(M. Sridhar Acharyulu)
Central Information Commissioner

Authenticated true copy

(Dinesh Kumar)
Deputy Registrar

Copy of decision given to the parties free of cost.

Addresses of the parties:

1. The CPIO under RTI,
Housing & Urban Development
Corporation Ltd., HUDCO Bhawan,

India Habitat Centre, Lodhi Road,
New Delhi-110003.

2. Shri Vishwas Bhamburkar,
B-72, Satellite Centre,
Vastrapur, Ahmedabad-380015,
Gujarat.
3. Dr. Ravi Kiran, IAS, Managing Director
Housing & Urban Development
Corporation Ltd., HUDCO Bhawan,
India Habitat Centre, Lodhi Road,
New Delhi-110003.
4. Shri Rao Inderjit Singh,
Ministry of Housing and Urban Poverty Alleviation,
Room No 132, Neeti Bhawan, New Delhi- 110001
5. Dr. Nandita Chatterjee, Secretary to Govt of India,
Ministry of Housing and Urban Poverty Alleviation,
Nirman Bhavan, New Delhi 110011